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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,594	10/30/2003	Hal Richardson	1874.001US1	2626

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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,594

Applicant(s)

RICHARDSON, HAL

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchinson in view of Jordan. Hutchinson shows the claimed harness with the exception of the shoulder straps. Jordon shows shoulder straps. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the harness of Hutchinson to comprise shoulder straps, as taught by Jordon, for enclosing the shoulder of a user.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchinson and Jordon as applied to claim 5 above, and further in view of Colorado. Colorado shows a mounting assembly 48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hutchinson to comprise a mounting assembly, as taught by Colorado, for mounting a SCBA tank.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchinson and Jordon as applied to claim 5 above, and further in view of Colorado. Colorado shows harness elements made form fire resistive material. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hutchinson to make his deployable assembly from fire resistive material, as taught by Colorado, as a safety means for a user.

Claims 3,4,10,11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchinson and Jordon, as applied to claim 5 above, and further in view of Bell. Hutchinson, as modified by Jordon, shows the claimed harness with the exception of the rappelling apparatus. Bell shows a rappelling apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the harness of Hutchinson to comprise a rappelling assembly, as taught by Bell, to enable rappelling by a user.

Claim 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchinson, Jordan and Bell, as applied to claims 10 and 16, respectively, above, and further in view of Colorado as applied to claim 9 above.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Jordan. Bell shows the claimed harness with the exception of the shoulder straps. Jordon shows shoulder straps. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the harness of Bell to comprise shoulder straps, as taught by Jordon, for enclosing the shoulder of a user.

Applicant's arguments filed 6/13/05 have been fully considered but they are not persuasive. With respect to claims 5-8, applicant argues that there is no motivation to combine the teaching of Jordon with Hutchinson. It is noted that the difference between Hutchinson and the claimed invention is the shoulder straps to enclose the shoulder of a user. Jordon shows a harness with shoulder straps enclosing the shoulder of a user, thus Jordon is an analogous art, and it is deemed proper for one of ordinary skill in the art to appreciate the teachings of analogous art to resolve the difference at hand. Therefore the combination is deemed proper and warranted. With respect to claim 13, applicant argues that there is no motivation to combine the teaching of Jordon with Bell. It is noted that the difference between Bell and the claimed invention is the shoulder straps to enclose the shoulder of a user. Jordon shows a harness with shoulder straps enclosing the shoulder of a user, thus Jordon is an analogous art, and it is deemed proper for one of ordinary skill in the art to appreciate the teachings of analogous art to resolve the difference at hand. With respect to claims 1 and 2, applicant argues that element 48 of Colorado is not a SCBA mounting assembly, the examiner disagrees, note Colorado's specification. Applicant also argues that there is no motivation to combine the teaching of Colorado with Hutchinson as modified by Jordon. It is noted that the difference between Hutchinson and the claimed invention is the

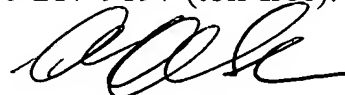
mounting assembly for mounting a SCBA air tank. Colorado shows at 48 shows amounting assembly on a harness for mounting a SCBA air tank, thus Colorado is an analogous art, and it is deemed proper for one of ordinary skill in the art to appreciate the teachings of analogous art to resolve the difference at hand. With respect to claims 3,4,10,11 and 4-17, applicant argues that Hutchinson does not show a stowable pelvis enclosing assembly. It is noted that Hutchinson shows a stowable pelvis enclosing assembly at 68,70,73,51. applicant also argues that there is no motivation to combine the teaching of Bell with Hutchinson. It is noted that the difference between Hutchinson and the claimed invention is the rappelling apparatus. Bell shows a rappelling apparatus to allow rappelling by a user, thus Bell is an analogous art, and it is deemed proper for one of ordinary skill in the art to appreciate the teachings of analogous art to resolve the difference at hand

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue
Examiner
Art Unit 3634

ACS

Alvin Chin-Shue
Primary Examiner